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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS) 03-MDL-1570 (GBD) (SN)
ON SEPTEMBER 11, 2001)
)

— — —

Tuesday, July 13, 2021

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THIS TRANSCRIPT CONTAINS
CONFIDENTIAL MATERIAL

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Remote video-recorded deposition of JONATHAN M.
WINER, held at the location of the witness,
commencing at 10:04 a.m., on the above date, before
Debra A. Dibble, Certified Court Reporter,
Registered Diplomate Reporter, Certified Realtime
Captioner, Certified Realtime Reporter and Notary
Public.

— — —

GOLKOW LITIGATION SERVICES
877.370.DEPS | fax 917.591.5672
deps@golkow.com

1 you interrupted.

2 Q. (BY MR. MOHAMMEDI) So anyway, this is
3 the list of expertise you have provide -- you are
4 providing in this case, correct, Mr. Winer?

5 MR. HAEFELE: Objection to form.

6 A. Yes.

7 Q. (BY MR. MOHAMMEDI) Are you an academic?

8 A. Yes.

9 Q. Do you teach?

10 A. Yes.

11 Q. Where do you teach?

12 A. I've taught at various times, courses at
13 many different schools, Georgetown, George
14 Washington, American University, Princeton, Harvard,
15 NYU. It's listed in my resumé, the various places
16 that I've taught in my CV.

17 Q. And --

18 A. I also taught for many years at the Kent
19 School operated by the CIA. The CIA's Kent School,
20 and was regularly teaching there throughout most of
21 the 00s, most of the period from about 2000 to 2008.
22 I am affiliated today with the Middle East
23 Institute, where I regularly engage in various types
24 of teaching.

25 Q. Now, you -- you said that you taught many

1 that related to law enforcement that you are talking
2 about, right?

3 A. No, that's incorrect.

4 Q. Okay. Go ahead.

5 A. For six years I was the lead person at
6 the United States Department of State, addressing
7 international law enforcement issues. In that
8 period I worked with U.S. law enforcement on a daily
9 basis.

10 Q. Were you yourself a member of law
11 enforcement?

12 MR. HAEFELE: Objection to form.

13 A. Did I have the power to prosecute? I did
14 not. Did I have the power to arrest? I did not. I
15 was not a prosecutor or a police officer. Except
16 early on when I did a -- when I did a money
17 laundering prosecution.

18 Q. (BY MR. MOHAMMEDI) Have you ever worked
19 as an intelligence service analyst or agent?

20 A. I have worked under contract for a U.S.
21 government analytic agency for many, many years,
22 providing both intelligence and analysis to that
23 agency, as disclosed in my CV.

24 Q. You testified that you are an expert in
25 history of al-Qaeda; correct?

1 A. Yes.

2 Q. -- related to where?

3 A. Yes.

4 Q. Are you an expert on Islam?

5 A. I am not an expert on the doc --
6 religious doctrine of any kind, except to the extent
7 that it involves the political impact of different
8 types of interpretations of religion when a religion
9 is politicized into a political movement, where I
10 have expertise.

11 So when you have a combination of foreign
12 policy, security, and religion, that's an area that
13 I have devoted some extensive work on over a long
14 period of time.

15 And that is an area of expertise, yes.
16 In the Middle East bureau, where I was from 2013 to
17 2017, we were constantly dealing with -- within the
18 bureau and I was personally -- the competing agendas
19 of political Islam and various strands and strains
20 of political Islam, including that in the Islamic
21 state and al-Qaeda and other groups like Ansar
22 al-Sharia. And that competing with -- Arab
23 nationalism competing with states that would be
24 modern unitarian states, competing with warlord and
25 different types of rule in which pan-Islamic rule

1 was one of the strains, political strains that had
2 all kinds of consequences for terrorism and
3 terrorist risk, and having to understand the various
4 strands of those was critically important to my
5 work.

6 In that period in particular, while I was
7 involved.

8 Q. (BY MR. MOHAMMEDI) But you are not an
9 expert on Islamic terms of concept from a religious
10 standpoint, are you?

11 MR. HAEFELE: Objection, form. Asked
12 and answered.

13 A. I am not really -- I'm not willing to
14 adopt your question as an answer. I'm happy to say
15 again what my expertise is.

16 Q. (BY MR. MOHAMMEDI) Are you a religious
17 expert? "Yes" or "no."

18 MR. HAEFELE: Objection to form.

19 Q. (BY MR. MOHAMMEDI) Are you a religious
20 expert?

21 MR. HAEFELE: Still objection to
22 form. It's the same question and he's
23 answered.

24 A. I developed expertise in the political --

25 Q. (BY MR. MOHAMMEDI) I just say, are you a

1 religious expert? I mean, it's -- you already
2 explained that. I'm just asking you are you a
3 religious expert?

4 MR. HAEFELE: Omar, you keep asking
5 and repeating the same answer he gave.

6 MR. MOHAMMEDI: He already answer a
7 question that was not really what I was
8 asking. I'm just asking if you are a
9 religious expert.

10 A. I can answer it this way: My father was
11 a medical researcher in cardiovascular disease and
12 learned some fundamental principles in connection
13 with the angiotensin system. He was an expert in
14 that area. He was also a doctor. He was not an
15 expert in glioblastoma. So if you're asking
16 somebody are you an expert in medicine, well, yes,
17 my father was a medical expert, a medical expert
18 with certain areas of expertise.

19 I have certain areas of expertise. Am I
20 a religious expert who spent my life on Islam,
21 Christianity, Judaism, Buddhism, Bahaism, Sufism,
22 the difference between Sunni and Shia, I have not
23 spent my lifetime on it, although I could give you
24 the basics of the Sunni/Shia split if it was of help
25 to you. I could discuss when Wahhabism originated

1 and when the modern Salafi movement originated, and
2 the fact that some people think its antecedents go
3 back earlier and foundations for it earlier. I can
4 talk about the relationship between Egypt and
5 Saudi Arabia in competing for religious dominance.
6 But does that make me an expert in religion? No.

7 MR. GOETZ: Objection, nonresponsive,
8 move to strike.

9 Q. (BY MR. MOHAMMEDI) Do you hold yourself
10 as a religious expert in this case?

11 MR. HAEFELE: Objection to form.

12 MR. MOHAMMEDI: Just answer this
13 "yes" or "no."

14 MR. HAEFELE: Objection, you can't
15 demand a "yes" or "no" answer.

16 MR. MOHAMMEDI: Robert, you can stop
17 interjecting.

18 THE WITNESS: I believe I've answered
19 the question.

20 Q. (BY MR. MOHAMMEDI) Are you an expert on
21 religion in this case?

22 MR. HAEFELE: Objection to form,
23 asked and answered multiple times.

24 A. I am expert on the political aspects of
25 Islam and how it played out in the region in the

1 1980s, 1990s, and 00s.

2 Q. Are you an expert in Islamic terms and
3 concepts?

4 A. I know about a few of them. Not all of
5 them.

6 Q. Are you an expert --

7 Knowing is not an expert. Do you agree
8 with me?

9 MR. HAEFELE: Objection to form,
10 argumentative.

11 A. I think it's really up to others to
12 determine the scope of my expertise. I felt
13 comfortable and continue to feel comfortable
14 answering questions that were posed to me in my
15 expert report.

16 Q. (BY MR. MOHAMMEDI) Okay. Then we go to
17 the next point.

18 (Reporter clarification.)

19 Q. (BY MR. MOHAMMEDI) Are you an expert on
20 the Kingdom of Saudi Arabia history?

21 A. I know a fair amount about the Kingdom of
22 Saudi Arabia. I dealt with issues relating to it
23 every day in my last work, the state departments. I
24 was not personally responsible for that
25 relationship, but I was in meetings each morning

1 Q. Is that correct?

2 A. That's my understanding of when they say:
3 Who was behind the biological crisis which became
4 like brainwashing? A Jew. And it goes on from
5 there, and they talk about why are you so miserly
6 with your blood.

7 Q. Okay. So to you that is --

8 A. Teach our children to love taking revenge
9 on the Jews and the oppressors.

10 Q. Do you agree that there are hatred
11 statements made all over the world?

12 MR. HAEFELE: Objection.

13 A. I'm not in a position to discuss -- to
14 opine on hatred statements all over the world. This
15 is calling for revenge on the Jews.

16 Q. (BY MR. MOHAMMEDI) And you are saying
17 that WAMY text specifically said that we are
18 justifying the killing of nonbelievers?

19 A. Yes.

20 Q. Okay. We'll move on.

21 I'm just going to ask you another
22 question. You are not a religious expert, are you?

23 A. We've discussed this issue earlier.
24 You've asked me this question. I understand a
25 religion in a political context when religion is

1 used for political purposes as part of my
2 understanding of relationships among states, as part
3 of my understanding of terrorism. We had national
4 and global security issues. And so in that context,
5 yes. In the context of various religious doctrines,
6 intrareligious discussions of text, there are people
7 who spend their lifetimes as religious scholars, and
8 that has not been my work.

9 Q. And you're referring -- is it fair that
10 you are referring to a document that's expressed
11 religious views of an organization, and you are
12 making the -- you are reaching the conclusion that
13 was calling for justifying the killing of
14 nonbelievers; correct?

15 MR. HAEFELE: Objection to form.

16 A. Yes.

17 Q. (BY MR. MOHAMMEDI) You understand the
18 meaning of jihad?

19 A. It has multiple meanings.

20 Q. Okay. Do you understand the meaning of
21 Salafis?

22 A. I believe so.

23 Q. You do? And are you testifying as an
24 expert here to discuss jihad and Salafis?

25 A. Only in the context of the political

1 movements and terrorist activity which both
2 Wahhabism and Salafism contributed to in connection
3 with al-Qaeda in the 9/11 attacks.

4 Q. Do you believe that propagation of
5 Wahhabism is a terrorist activity?

6 A. In and of itself, no. It depends what
7 it's combined with. It certainly is an activity
8 that has engendered extremism, including in
9 societies where Wahhabism was not previously
10 present. And there is an important distinction to
11 be made, which is that consistent with the
12 expression, not every Salafist is a Wahhabi, but
13 every Wahhabiist is a Salafist. It's essentially
14 the indoctrination in seventh century values, as it
15 were, a very puritan and extreme version of Islam
16 that has caused a lot of trouble in a lot of places
17 and led to a lot of -- it led to extremist conduct.

18 And so it's the combination of that with
19 modern political realities, and that led to things
20 like al-Qaeda and the Islamic state. The Islamic
21 state is, I believe, quite Salafist in its
22 orientation, for example.

23 Q. So you -- your testimony and you are
24 saying this -- you can address it from a political
25 aspect, Salafism and Wahhabism, the way you